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September 3, 2020

Via ECF Filing

REDACTED - PUBLIC VERSION

The Honorable Jennifer L. Hall
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801

Re: *Emerson Electric Co. v. Emerson Quiet Kool Co. Ltd. and Home Easy Ltd.*,
No. 17-cv-01846-LPS-JLH, D. Del.

Dear Judge Hall:

Defendants Emerson Quiet Kool Co. Ltd. and Home Easy Ltd. submit this letter regarding a discovery dispute in accordance with the Court's August 25, 2020 Order (D.I. 60).

This dispute is straightforward: Plaintiff Emerson Electric Co. ("Emerson Electric") has been colluding with third-party Emerson Radio Corp. ("Emerson Radio") to coordinate two separate trademark infringement lawsuits in two separate jurisdictions, presumably to drive Defendants out of business. These two unrelated Emerson-named companies¹ have been repeatedly communicating about these trademark lawsuits for over three years, but Plaintiff Emerson Electric refuses to produce its communications with Emerson Radio based on a claimed "Common Interest Privilege." Defendants seek a ruling that no Common Interest Privilege exists between Plaintiff Emerson Electric and third-party Emerson Radio.

Emerson Radio's case – also filed in 2017, but in the District of New Jersey – contains the same allegations and demands as this case.² These separate plaintiffs both assert that Defendants are allegedly infringing separate trademarks containing the word "EMERSON" through their sales of EMERSON QUIET KOOL window air conditioners and dehumidifiers. Defendants issued Request for Production No. 19³ in this case seeking "[a]ny communications between Plaintiff and Emerson Radio Corp." Exhibit A, at 26. Emerson Electric refuses to produce "communications between Emerson Electric and Emerson Radio regarding Defendants,

¹ Emerson Electric was founded in 1890 by John Wesley Emerson in St. Louis, Missouri. Emerson Radio derives its name from Victor Hugo Emerson, who founded Emerson Phonograph Corp. in 1912. The Emerson Quiet Kool trademark began with Emerson Radio's predecessor in 1949, who separately sold off the Emerson Quiet Kool and Emerson Radio names in the 1980s.

² This privilege issue was also briefed in the DNJ litigation with Emerson Radio. However, the Emerson Radio case was at the end of discovery before Defendants even learned of the Common Interest Agreement. The Court there denied both parties' letter motions to compel discovery after fact discovery had ended, but ordered Emerson Radio to produce a privilege log of the communications between it and Emerson Electric. Emerson Radio did not do so until June 2020.

³ Inadvertently labeled as No. 18 in Defendants' Requests.



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Defendants' mark or the current litigation(s) against Defendants" based on a Common Interest Agreement with Emerson Radio. *Id.*, at 27; Common Interest Agreement attached as Exhibit B.

Defendants submit that no Common Interest Privilege exists between Plaintiff Emerson Electric and third-party Emerson Radio. "The common interest doctrine is an exception to the general rule that the attorney-client privilege is waived following disclosure of privileged materials to a third party." *Leader Techs., Inc. v. Facebook, Inc.*, 719 F. Supp. 2d 373, 376 (D. Del. 2010). Importantly, the common interest doctrine is not a privilege in and of itself. *Nidec Corp. v. Victor Co.*, 249 F.R.D. 575, 578 (N.D. Cal. 2007). Instead, it merely extends protection to documents or communications already protected by the attorney-client privilege or work product doctrine when they are disclosed to certain third parties. "To prove that the common interest doctrine protects the documents-at-issue from discovery, [the party claiming privilege] bears the burden of showing that an underlying privilege has been established, and that (1) the communications-at-issue are made by separate parties in the course of a common legal interest; (2) the communications are designed to further that common legal interest; and (3) the privilege has not been waived." *Invidi Techs. Corp. v. Visible World, Inc.*, Civil Action No. 11-397-RGA-CJB, 2013 U.S. Dist. LEXIS 203466, at *15 (D. Del. Mar. 11, 2013).

A key factor is that all members of the community "must share at least a substantially similar legal interest," if not an identical one. *Teleglobe Communs. Corp. v. BCE, Inc. (In re Teleglobe Communs. Corp.)*, 493 F.3d 345, 365 (3rd Cir. 2007). As Judge Burke stated, the interest to be protected must be "legal—not solely *commercial*..." *Invidi Techs.*, 2013 U.S. Dist. LEXIS 203466, at *16 (emphasis in original).

Emerson Electric does not have a common legal interest in the present trademark litigations with third-party Emerson Radio. Despite their collusion against Defendants, Plaintiff Emerson Electric and third-party Emerson Radio are competitors who own separate trademark registrations and have separately asserted those registrations against Defendants in separate jurisdictions. Emerson Electric's insistence upon a common legal interest with third-party Emerson Radio begs the questions of why the two parties chose to file separate cases and how those supposedly common legal interests can be adjudicated in the absence of one another.

Emerson Electric and Emerson Radio also repeatedly entered into agreements whereby they carved up the market so that neither sells the same goods or services as the other.⁴ These agreements include an agreement that [REDACTED], the very products accused of infringement in each case. Further demonstrating the separate and unrelated nature of their legal interests, third-party Emerson Radio and Plaintiff Emerson Electric do *not* jointly own any EMERSON marks and most of each party's registrations are paired with their respective logo, which Defendants do not use.

That Emerson Radio and Emerson Electric are improperly coordinating their cases is further displayed by the Common Interest Agreement between them. In that agreement, [REDACTED]

⁴ As best as Defendants can tell, Emerson Electric has yet to produce these agreements in this case even though discovery began six months ago and the case has been pending for 3 years.

_____.” Exhibit B, at 3 (emphasis added). This alone should defeat any claims of privilege, as no communications were exchanged in _____ – Emerson Radio and Emerson Electric are each the Plaintiff in their separately filed lawsuits. The Agreement also refers to _____, which plainly cannot apply. *Id.*, at 2, 9, and 10.

In sum, Plaintiff Emerson Electric and third-party Emerson Radio: (1) own separate trademark registrations; (2) have no common owners, board members, or employees; (3) have contractually agreed to the separateness of their trademarks; and (4) separately sued Defendants in separate jurisdictions. Despite all these differences, Emerson Electric and Emerson Radio assert a common legal interest⁵ in this trademark litigation in order to withhold over 100 communications regarding their joint effort to drive Defendants out of business.

Defendants respectfully submit that any joint interest between Emerson Electric and third-party Emerson Radio is not legal in any way, but purely a commercial interest, and therefore request an Order compelling production of all the withheld documents. However, if the Court is not inclined to compel production of every communication on the basis that no common legal interest applies at all, Defendants respectfully request that Emerson Electric be compelled to submit the communications between it and Emerson Radio for *in camera* review.

Only in this way can Emerson Electric meet its further burden to demonstrate (1) an underlying privilege applies to each communication and (2) each communication was made in furtherance of the alleged common legal interest. *See Invidi Techs.*, 2013 U.S. Dist. LEXIS 203466, at *15. Emerson Electric previously represented that many, if not all, of the communications are merely status updates on each litigation. Defendants submit that mere status updates do not reflect an underlying privilege and do not become privileged by a claim of Common Interest Privilege. Defendants also submit that such review is necessary in light of the inconsistencies between each of their respective privilege logs – the latest privilege log from Emerson Radio has 112 entries (Exhibit C), though Emerson Electric’s contains only 97 (Exhibit D), and each contains entries the other does not,⁶ suggesting that each log may contain communications that are not truly privileged and that the privilege logs are not reliable.

Respectfully submitted,



John D. Simmons

⁵ Notably, Emerson Electric has not yet identified its common *legal* interest with Emerson Radio. In the co-pending case, Emerson Radio claimed the interest is in preventing actual or likely confusion by the alleged improper actions of Defendants.

⁶ Emerson Electric’s log contains approximately 45 entries not on Emerson Radio’s log, while Emerson Radio’s contains about 58 not listed on Emerson Electric’s.

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2020, I electronically filed, under seal, the Letter from John D. Simmons to The Honorable Jennifer L. Hall, Exhibit B and Exhibit D with the Clerk of Court using CM/ECF which will send notification of such filing to all counsel of record.

I hereby certify that on September 3, 2020, I served by electronic mail, the foregoing documents filed under seal to the following:

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EXHIBIT B

CONFIDENTIAL

EXHIBIT D

September 2, 2020

Emerson Electric Co. v. Emerson Quiet Kool Co. Ltd. et al, No. 1:2017-cv-1846 (D. Del.)

Privilege Log #	Date	Email From	Email To	Email CC	Privilege Description	Privilege Designation
1	6/27/2017	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com];Markham, Brian [markham@hdp.com];Copeland, Ronda [rcopeland@HDP.com];Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product regarding common interest agreement in anticipation of litigation	Attorney Work Product; Common Interest/Community of Interest Privilege
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40	11/27/2017	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]	DuRoss, Lisa [lmduross@HDP.com];Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
41	11/27/2017	Brennan, Mike [mpbrennan@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com];Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product regarding common interest agreement in anticipation of litigation	Attorney Work Product; Common Interest/Community of Interest Privilege
42	1/29/2018	DuRoss, Lisa [lmduross@HDP.com]	Goldsmith, Susan (sgoldsmith@mccarter.com) [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com];Markham, Brian [markham@hdp.com];Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
43	1/29/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Brennan, Mike [mpbrennan@HDP.com];Markham, Brian [markham@hdp.com];Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege

44	1/29/2018	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
45	1/29/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Brennan, Mike [mpbrennan@HDP.com]; Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
46	1/29/2018	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
47	2/15/2018	Brennan, Mike [mpbrennan@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]; DuRoss, Lisa [lmduross@HDP.com]	Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]; Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
48	2/15/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; DuRoss, Lisa [lmduross@HDP.com]	Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]; Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
49	2/15/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; DuRoss, Lisa [lmduross@HDP.com]	Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]; Copeland, Ronda [rcopeland@HDP.com]; 'Barry Smith' [BSmith@emersonradio.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
50	2/16/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; DuRoss, Lisa [lmduross@HDP.com]	Markham, Brian [markham@hdp.com]; Grant, Autumn [agrant@hdp.com]; Copeland, Ronda [rcopeland@HDP.com]; 'Barry Smith' [BSmith@emersonradio.com]; Anania, Mark H. [MAAnania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
51	3/1/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
52	3/2/2018	Brennan, Mike [mpbrennan@HDP.com]	Goldsmith, Susan [sgoldsmith@mccarter.com]; Anania, Mark H. [MAAnania@McCarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
53	3/2/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; Anania, Mark H. [MAAnania@McCarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
54	3/6/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; DuRoss, Lisa [lmduross@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
55	3/7/2018	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
56	3/7/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
57	3/7/2018	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
58	3/7/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
59	3/7/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege

60	3/8/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
61	3/8/2018	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
62	3/8/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
63	3/8/2018	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
64	3/14/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Anania, Mark H. [MAnania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
65	3/20/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]; Brennan, Mike [mpbrennan@HDP.com]	Anania, Mark H. [MAnania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
66	3/20/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]; Brennan, Mike [mpbrennan@HDP.com]	Anania, Mark H. [MAnania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
67	3/20/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Anania, Mark H. [MAnania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
68	3/20/2018	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
69	5/1/2018	DuRoss, Lisa [lmduross@HDP.com]	Goldsmith, Susan (sgoldsmith@mccarter.com) [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com]; Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
70	4/9/2019	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]; Brennan, Mike [mpbrennan@HDP.com]	Anania, Mark H. [MAnania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
71	4/10/2019	DuRoss, Lisa [lmduross@HDP.com]	'Goldsmith, Susan' [sgoldsmith@mccarter.com]	Anania, Mark H. [MAnania@McCarter.com]; Brennan, Mike [mpbrennan@HDP.com]; Copeland, Ronda [rcopeland@HDP.com]; Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
72	4/10/2019	Goldsmith, Susan [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com]	Anania, Mark H. [MAnania@McCarter.com]; Brennan, Mike [mpbrennan@HDP.com]; Copeland, Ronda [rcopeland@HDP.com]; Grant, Autumn [agrant@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
73	4/23/2019	Brennan, Mike [mpbrennan@HDP.com]	Goldsmith, Susan (sgoldsmith@mccarter.com) [sgoldsmith@mccarter.com]; [simpson@orrick.com]	Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
74	4/29/2019	Brennan, Mike [mpbrennan@HDP.com]	'Goldsmith, Susan (sgoldsmith@mccarter.com)' [sgoldsmith@mccarter.com]; [simpson@orrick.com] [simpson@orrick.com]	Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
75	4/29/2019	Simpson, Lisa T. [lsimpson@orrick.com]	Brennan, Mike [mpbrennan@HDP.com]; 'Goldsmith, Susan (sgoldsmith@mccarter.com)' [sgoldsmith@mccarter.com]	Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
76	4/29/2019	Brennan, Mike [mpbrennan@HDP.com]	'Simpson, Lisa T.' [lsimpson@orrick.com]; 'Goldsmith, Susan (sgoldsmith@mccarter.com)' [sgoldsmith@mccarter.com]	Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege

77	5/7/2019	Brennan, Mike [mpbrennan@HDP.com]	Simpson, Lisa T. [lsimpson@orrick.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
78	5/8/2019	Simpson, Lisa T. [lsimpson@orrick.com]	Brennan, Mike [mpbrennan@HDP.com]	Anania, Mark H. [MAania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
79	5/9/2019	Brennan, Mike [mpbrennan@HDP.com]	'Simpson, Lisa T.' [lsimpson@orrick.com]	'Anania, Mark H.' [MAania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
80	5/9/2019	Brennan, Mike [mpbrennan@HDP.com]	lsimpson@orrick.com;Goldsmith, Susan (sgoldsmith@mccarter.com) [sgoldsmith@mccarter.com]	DuRoss, Lisa [lmduross@HDP.com];Copeland, Ronda [rcopeland@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
81	5/9/2019	Goldsmith, Susan [sgoldsmith@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com];lsimpson@orrick.com	DuRoss, Lisa [lmduross@HDP.com];Copeland, Ronda [rcopeland@HDP.com];Anania, Mark H. [MAania@McCarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
82	5/20/2019	Anania, Mark H. [MAania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com]	'Simpson, Lisa T.' (lsimpson@orrick.com) [lsimpson@orrick.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
83	5/20/2019	Brennan, Mike [mpbrennan@HDP.com]	'Anania, Mark H.' [MAania@McCarter.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
84	5/20/2019	Anania, Mark H. [MAania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
85	5/28/2019	Anania, Mark H. [MAania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
86	5/28/2019	Brennan, Mike [mpbrennan@HDP.com]	'Anania, Mark H.' [MAania@McCarter.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
87	5/28/2019	Anania, Mark H. [MAania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
88	9/20/2019	Anania, Mark H. [MAania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com]	'Simpson, Lisa T.' (lsimpson@orrick.com) [lsimpson@orrick.com];Goldsmith, Susan [sgoldsmith@mccarter.com];Wheeler-Frothingham, Margaret (mwheeler-frothingham@orrick.com) [mwheeler-frothingham@orrick.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
89	10/2/2019	Anania, Mark H. [MAania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com]	'Simpson, Lisa T.' (lsimpson@orrick.com)' [lsimpson@orrick.com];Goldsmith, Susan [sgoldsmith@mccarter.com];'Wheeler-Frothingham, Margaret (mwheeler-frothingham@orrick.com)' [mwheeler-frothingham@orrick.com];Kayton, Quincy [qkayton@mccarter.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
90	10/3/2019	Moustakas, George [gdmoustakas@HDP.com]	'manania@mccarter.com' [manania@mccarter.com]	Moustakas, George [gdmoustakas@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
91	10/26/2019	Moustakas, George [gdmoustakas@HDP.com]	'manania@mccarter.com' [manania@mccarter.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com];Moustakas, George [gdmoustakas@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege

92	10/26/2019	Anania, Mark H. [MAnania@McCarter.com]	Moustakas, George [gdmoustakas@HDP.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com];Lisa T. ' 'Simpson [lsimpson@orrick.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
93	10/29/2019	Anania, Mark H. [MAnania@McCarter.com]	Moustakas, George [gdmoustakas@HDP.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com];Lisa T. ' 'Simpson [lsimpson@orrick.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
94	11/1/2019	Moustakas, George [gdmoustakas@HDP.com]	'Anania, Mark H.' [MAnania@McCarter.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com];Lisa T. ' 'Simpson [lsimpson@orrick.com];Dowdy, Stephanie [sdowdy@hdp.com];Moustakas, George [gdmoustakas@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
95	11/2/2019	Anania, Mark H. [MAnania@McCarter.com]	Moustakas, George [gdmoustakas@HDP.com]	Brennan, Mike [mpbrennan@HDP.com];DuRoss, Lisa [lmduross@HDP.com];Lisa T. ' 'Simpson [lsimpson@orrick.com];Dowdy, Stephanie [sdowdy@hdp.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
96	11/21/2019	Moustakas, George [gdmoustakas@HDP.com]	'Anania, Mark H.' [MAnania@McCarter.com]		Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege
97	1/6/2020	Moustakas, George [gdmoustakas@HDP.com]	'Anania, Mark H.' [MAnania@McCarter.com]	Moustakas, George [gdmoustakas@HDP.com]	Email chain reflecting attorney work product exchanged pursuant to common interest agreement regarding litigation status	Attorney Work Product; Common Interest/Community of Interest Privilege